



AN ACT DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES FOR THE APPROVAL OF REGIONAL PUBLIC WATER SUPPLY SYSTEMS; AMENDING SECTION 75-6-103, MCA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Rules for regional public water supply systems. The board shall adopt rules for approval of regional public water supply systems established by a regional water authority pursuant to Title 75, chapter 6, part 3. The rules must:

(1) include procedures for the construction of regional public water supply systems, including regulatory provisions for a series of project segments over the construction period of the project as contained in the final engineering report, as may be amended and approved by the United States bureau of reclamation, that addresses the:

(a) approval of design and construction standards that may not be subject to change for 72 months;
(b) issuance of deviations from design and construction standards to remain in effect for 72 months; and
(c) approval of an individual regional water supply system's standard construction contract documents and provisions for amendments to those documents to remain in effect for the construction period of the project;

(2) implement plan and specification review periods or deviation request approval periods for storage, pumping, and distribution portions of a regional public water supply system of not more than 40 calendar days for the initial review by the department and not more than 10 working days for any subsequent reviews;

(3) avoid duplicate processes and regulations by coordinating and incorporating the review and approval process applicable to a regional public water supply system by the United States bureau of reclamation.

Section 2. Section 75-6-103, MCA, is amended to read:

"75-6-103. Duties of board. (1) The board has general supervision over all state waters that are directly or indirectly being used by a person for a public water supply system or domestic purposes or as a source of ice.

(2) The board shall, subject to the provisions of 75-6-116 and as provided in [section 1], adopt rules and standards concerning:

- (a) maximum contaminant levels for waters that are or will be used for a public water supply system;
- (b) fees, as described in 75-6-108, for services rendered by the department;
- (c) monitoring, recordkeeping, and reporting by persons who own or operate public water supply systems;
- (d) requiring public notice to all users of a public water supply system when a person has been granted a variance or exemption or is in violation of this part or a rule or order issued pursuant to this part;
- (e) the siting, construction, operation, and modification of a public water supply system or public sewage system;
- (f) the review of the technical, managerial, and financial capacity of a proposed public water supply system or public sewage system, as necessary to ensure the capability of the system to meet the requirements of this part;
- (g) the collection and analysis of samples of water used for drinking or domestic purposes;
- (h) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act and this part;
- (i) administrative enforcement procedures and administrative penalties authorized under this part;
- (j) standards and requirements for the review and approval of programs that may be voluntarily submitted by suppliers of public water supply systems to prevent water supply contamination from a cross-connection, including provisions to exempt cross-connections from the standards and requirements if all connected systems are department-approved public water supply systems; and
- (k) any other requirement necessary for the protection of public health as described in this part.

(3) Board rules must provide for the following:

(a) except as provided in [section 1], a water supply or water distribution facility reviewed and approved by the department is not subject to changes in department design and construction criteria for a period of 36 months after written approval of the facility is issued by the department;

(b) except for facilities subject to permit requirements under Title 75, chapter 5, part 4, and except as provided under rules adopted pursuant to [section 1], a system of water supply, drainage, wastewater, or sewage reviewed and approved under this section is not subject to changes in department design or construction criteria

for a period of 36 months after written approval is issued by the department;

(c) plans and specifications for a portion of a facility or system subject to a 36-month limit on criteria changes pursuant to subsections (3)(a) and (3)(b), but not constructed within the 36-month timeframe, must be resubmitted for department review and approval before construction of that portion of the facility;

(d) the provisions of this subsection (3) may not limit an applicant's ability to alter a proposed project that is otherwise in conformance with applicable laws, rules, standards, and criteria.

(4) The board may issue orders necessary to fully implement the provisions of this part."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 6, part 1, and the provisions of Title 75, chapter 6, part 1, apply to [section 1].

Section 4. Applicability. [This act] applies to plans and specifications for a regional public water supply system submitted after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0557, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 557
INTRODUCED BY T. BELCOURT

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